

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARTIN MARTINEZ, JR.,

Applicant,

v.

No. CV 10-0260 RB/KBM

CALVIN D. MONTOYA, as Warden of  
the Regional Correction Center,  
TONY R. MIRABAL, as Lieutenant  
Governor for Taos Pueblo,

Respondents.

**ORDER**

This matter is before the Court on Petitioner's Petition For Writ Of Habeas Corpus under 25 U.S.C. §§ 1301-1303. It appearing that the petition is not subject to summary dismissal, *see* 28 U.S.C. § 2254 R. 1(b), 4, the Court will order an answer.

IT IS THEREFORE ORDERED that Respondent answer said petition within thirty (30) days from the date of entry of this Order. Respondent's answer shall advise, but is not limited to, whether the Petitioner has exhausted his tribal court remedies as to the issues raised in the federal petition. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the district court, and appellate courts, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all tribal court findings and conclusions, docketing statements, and opinions issued in Petitioner's tribal court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the

tribal court procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

  
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UNITED STATES MAGISTRATE JUDGE